

R277-708 RECEIVED FINAL APPROVAL BY THE UTAH STATE BOARD OF EDUCATION ON AUGUST 5, 2011. THE NEW RULE IS SCHEDULED TO BE PUBLISHED IN THE SEPTEMBER 1, 2011 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF OCTOBER 10, 2011.

R277. Education, Administration.

R277-708. Enhancement for At-Risk Students Program.

R277-708-1. Definitions.

A. "At-risk of academic failure" for purposes of this rule, means students in public schools grades K-12 who have one or more of the following risk factors as defined under R277-708-1: (1) Low performance on U-PASS tests; (2) Poverty; (3) Limited English Proficiency; and (4) Mobility.

B. "Available funds" for purposes of this rule means the total funds appropriated for Enhancement for At Risk Students Program less funding designated for Gang Prevention under Section 53A-17a-166(1)(b)(i).

C. "Board" means the Utah State Board of Education.

D. "Data Clearinghouse" means the electronic data collection system used by the USOE to collect information required by law from LEAs about individual students at certain points throughout the school year to support the allocation of funds and accountability reporting.

E. "LEA share" for purposes of determining funding under this rule, means the percentage of students from an LEA who qualify under the classifications of: low performing on U-PASS, poverty, mobility, and Limited English Proficiency compared to the total count for the state of Utah from the previous school year.

F. "Limited English Proficiency (LEP)" means the total number of English language (EL) students in an LEA from the previous school year. This count includes:

(1) the number of EL students receiving a score of 1-3 on the Utah Academic Language Proficiency Assessment (UALPA); and

(2) the number of students classified as previously-EL who are monitored for two years once classified as English Proficient based on a score of 4 or 5 on the UALPA.

B. "Local Education Agency (LEA)" means a public school district or charter school primarily intended to serve students grades K through 12.

H. "Low performance on U-PASS tests" means the unduplicated count of students from an LEA scoring below proficient on the Utah Criterion Referenced Test (CRT) or adaptive testing for Reading/Language Arts from the previous school year.

I. "Mobility" means the number of students enrolled less than 160 days or its equivalent in one school within one school year.

J. "Poverty" means the total number of students in an LEA reported as economically disadvantaged using federal child nutrition income eligibility guidelines for free or reduced-priced under the federal school lunch program from the official October 1 enrollment count from the previous school year.

K. "Utah Consolidated Application (UCA)" means the web-based grants management tool employed by the Utah State Office of Education by which local education agencies submit plans and

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budgets for approval of the Utah State Office of Education.

L. "USOE" means the Utah State Office of Education.

R277-708-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board, Section 53A-17a-166 which directs the Board to develop a funding formula, develop performance criteria, administer the program, distribute the appropriation, monitor, and report the effectiveness of the Enhancement for At-Risk Students program, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish criteria and procedures for distributing at-risk student program funds to LEAs. The intent of the rule and the legislative appropriation is to improve academic achievement of students who are at risk of academic failure.

R277-708-3. Applications and Distribution of Funds.

A. Awards shall be made to local education agencies.

B. LEAs shall submit applications annually by November 1 to the USOE through the UCA.

C. LEAs shall receive funding based on an equal weighting of:

(1) low performance on U-PASS tests;

(2) poverty;

(3) mobility; and

(4) limited English proficiency as outlined in 53A-17a-166.

D. LEA allocations shall be based on the certified data from the Data Clearinghouse from the most recent school year for which data is complete and available.

E. Funding formula

(1) LEA base: the USOE shall annually calculate four percent of the state appropriation of the Enhancement for At-Risk Students funding available for LEA grants to provide a base amount to LEAs. This base amount shall be equally divided among all eligible LEAs.

(2) LEAs with high poverty schools: the USOE shall annually calculate twenty percent of the state appropriation of the Enhancement for At-Risk Students funding for LEA grants to provide a targeted amount to LEAs with traditional elementary and secondary schools with at least 75 percent poverty. This targeted amount shall be divided among eligible LEAs based on the number of traditional schools with at least 75 percent poverty within the LEA.

(3) Of the funds remaining, the USOE shall determine the LEA share based on the LEA's percentage of students with at-risk factors for the state.

(4) For each LEA, the USOE shall use data from the USOE Data Warehouse from the previous school year to determine the students

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who qualify under the following definitions:

- (a) Low performance on U-PASS tests;
- (b) Poverty;
- (c) Mobility; and
- (d) Limited English Proficiency.

(5) The LEA share shall equal the LEA's statewide proportionate share of qualifying students with at-risk factors times the amount of funds available for distribution.

(6) 2011-2012 funding transition: for the 2011-2012 school year, the USOE shall implement formula adjustments to ensure that no LEA receives less than 65 percent of the funds under the Enhancement for At-Risk Students Program than the LEA received during the 2010-2011 school year under the funds available from the state program that were repealed as part of the enactment of the new Enhancement for At-Risk Students Program.

F. LEAs that qualify for funding and the level of the LEA funding shall be notified annually by June 30.

G. LEAs may use funds for activities that support academic achievement of students who are at risk of academic failure; the LEA shall provide:

(1) as part of the UCA process:

(a) specific goals related to increased academic achievement of students at-risk of academic failure; and

(b) proposed activities that are directly tied to the LEA's plan to increase student achievement;

(2) an annual report of the use of funds; and

(3) an annual report of program effectiveness based on USOE-defined performance criteria.

R277-708-4. Oversight: Monitoring, Evaluation and Reports.

A. The Board may designate no more than one percent of the total appropriation from the Enhancement for At-Risk Students program to be used specifically by the USOE for oversight, monitoring and evaluation of LEAs' implementation of the program and their compliance with the law and this rule.

B. Performance Criteria: Each LEA that receives funding shall submit an annual evaluation report to the USOE consistent with Section 53A-17a-166. The report shall include the following performance criteria for students at-risk of academic failure:

(1) student attendance information, as defined by the USOE;

(2) graduation rate;

(3) gains in language proficiency as measured by UALPA;

(4) gains in reading/language Arts proficiency as measured by CRT; and

(5) gains in mathematics proficiency as measured by CRT.

C. The Utah State Office of Education shall submit an annual report on program effectiveness to the Public Education Appropriations Subcommittee of the Utah State Legislature.

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R277-708-5. Gang Prevention and Intervention Funds.

A. Consistent with Section 53A-17a-166(1)(b), the Board shall distribute funding to LEAs for gang prevention and intervention.

B. LEAs desiring to receive gang prevention and intervention funds shall submit proposals consistent with R277-436.

KEY: students at risk

Date of Enactment or Last Substantive Amendment: 2011

Authorizing, Implemented, or Interpreted Law: Art X Sec 3; 53A-17a-166; 53A-1-401(3)